



## APPENDIX A.

### Sec. 2 (2) and (3) of The National Labor Relations Act.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

## APPENDIX B.

### Section 13593, R. S. of Missouri 1929 (Sec. 14783, R. S. Mo. 1939).

**Rights of miners and owners of mineral lands—condition of permits.**—When any person owning real estate in this state, or any person having a leasehold interest in such real estate for mining purposes by lease from the owner thereof duly acknowledged and recorded in the county wherein the land lies, shall permit any person or persons, other than their servants, agents or employees, to enter and dig or mine thereon for lead, ore or other minerals, with the consent of such owner or lessee, he or they shall keep a printed statement of the terms, conditions and requirements upon which such may be mined or prospected, and the time during which the right to mine or prospect thereunder shall continue, posted or hung up in a conspicuous place, in plain, legible characters in the principal office or place of business of such person or company in the county in which said lands are situated, or in a county contiguous thereto, and shall deliver to any person mining or prospecting, or about to mine or prospect on said lands, and requesting it, a printed copy of such statement; all persons digging or mining said land, after the posting of such statement, shall be deemed to have agreed to and accepted the terms thereof, and shall, together with such owner or lessee, be bound thereby, and upon failure or refusal to comply with the terms, conditions and requirements of such statement, he or they shall forfeit all right thereunder, and the owner or lessee, as aforesaid, of such lands, may re-enter thereon and take possession of the same, nor shall the receipt of any ore or mineral by any such owner or lessee, after any such forfeiture has been incurred, be deemed or taken as a waiver of such forfeiture.

Section 13594, R. S. of Missouri 1929  
(Sec. 14784, R. S. Mo. 1939).

**Forfeiture.**—Whenever any such owner or lessee of real estate shall permit any person or persons, other than their servants, agents or employees, to enter and dig for lead, ore or other minerals on such real estate, with his consent, but without such owner or lessee complying with the provisions of Section 13593, and such person or persons having so entered upon said lands by the permission or consent of such owner or lessee as aforesaid, and having in good faith dug or opened any shaft, mine, quarry, prospect or deposit of mineral, or extended or opened from any shaft or mine any room, drift, entry or other excavation, he or they shall have the exclusive right as against such owner or lessee giving such permit or consent, and against any person claiming by, through or under such owner or lessee, to continue to work, mine and dig such shaft, mine, prospect or deposit of mineral so dug or opened by him or them as aforesaid, in said real estate, with a right-of-way over such lands for the purpose of such mining, for the term of three years from the date of the giving of such consent or permit: **Provided, however,** that if such person or persons, in each case so mining as aforesaid, shall fail or neglect to work or cause to be worked such shaft, mine, quarry, prospect or deposit of mineral for ten days, not including Sundays, in any one calendar month, after commencing such work, he or they shall forfeit all rights to work, mine or hold the same as against such owner or lessee, unless such failure or neglect was caused by unavoidable circumstances, or by the act of such owner or lessee or his agent, or unless such owner or lessee consent thereto: **Provided further,** that such person or persons, so mining as aforesaid, shall pay to the owner or lessee of said lands giving such permit or consent

the royalty for mining thereon, at least once every month, if demanded by such owner or lessee, by delivering the same to him at or near the mouth or opening of such mine, shaft or quarry, or at the nearest usual place of business of such owner or lessee, or at any other place that may be agreed upon by such miner and owner or lessee; which said royalty, unless otherwise agreed upon by them, shall be the same in kind and proportionate amount as is paid by others mining the same kind of ore or mineral on said lands to such owner or lessee, or the value of such royalty in cash; and if there be no other person mining on said lands on terms prescribed by such owner or lessee, then he or they shall pay to such owner or lessee the same rate or kind of royalty on lead, ore or minerals taken out by him or them as is paid by miners on lands nearest thereto belonging to other persons, or the value of such royalty in cash. Such owner or lessee of any real estate shall have a lien on all minerals taken or dug therefrom for the royalty due thereon until the same is paid; and if any such person or persons so mining shall refuse or fail to pay such royalty to such owner or lessee, or his agent, when demanded as aforesaid, he or they shall thereby forfeit the right to work such mine, shaft, quarry, prospect or deposit of mineral, and the said owner or lessee may thereupon enter and take possession of the same.

**Section 13595, R. S. of Missouri 1929  
(Sec. 14785, R. S. Mo. 1939).**

**Tender of payment.**—Any such person or persons who, by the permission or consent of the owner or lessee of any real estate, and having the right to mine thereon, and having entered and dug or mined thereon any lead ore or other mineral, shall have the right to the exclusive possession of such ore or mineral, except the royalty thereon, which shall be paid as hereinbefore provided, until he or

they shall be paid or tendered by such owner or lessee of such real estate the then highest market price in cash paid by such owner or lessee for the same kind of ore or mineral dug or mined on said lands, and if no other such ores or minerals are at the time being dug or mined on said lands and sold to such owner or lessee, then the highest price paid for such ore or mineral dug on lands nearest thereto shall be paid or tendered by such owner or lessee in such case, and upon such payment or tender, the absolute right to the possession of such lead ore or other minerals so dug out and mined under the provisions of the next preceding section, and for which such payment or tender shall have been made, shall vest in such owner or lessee.

**Section 13596, R. S. of Missouri 1929  
(Sec. 14786, R. S. Mo. 1939).**

**Notice to owner or lessee.**—If any person or persons having dug or mined lead ore or other minerals, and having the same in his or their possession, and having offered to deliver such mineral according to contract, or paid or tendered the royalty, if any, due thereon, or the value of such royalty in cash, to such owner or lessee of said real estate, or to his agent, shall serve or cause to be served a notice in writing upon such owner or lessee or his agent, by delivering a copy thereof at the usual place of abode of such owner, lessee or agent, with some member of the family over the age of fifteen years, stating in such notice the amount of lead ore or other mineral he or they have ready for delivery, and requiring such owner, lessee or agent to receive and pay for the same, the said owner or lessee shall, within five days after the service of such notice, receive and pay for such lead ore or other mineral which the said person or persons digging or mining the same may deliver to him, not exceeding the amount named

in the notice; and in such case, if such owner or lessee fail or refuse within the time aforesaid to pay for such lead ore or mineral delivered or offered to be delivered to him as aforesaid at the said price, then in that event the said person or persons who dug and mined the same shall thereupon acquire an absolute title to such lead ore or mineral, and may thereupon dispose of the same to any person or in any manner he or they may choose.

**Section 13597, R. S. of Missouri 1929  
(Sec. 14787, R. S. Mo. 1939).**

**Sale of Ore.**—All lead ore or other mineral, dug or mined in or upon the lands of any person in this state, shall be deemed and held to be the absolute property of the owner or lessee of such lands, except in cases where it is modified, changed or transferred by express contract, and any person who shall unlawfully sell or convert, to his own use, or remove or dispose of, or in any manner make away with or conceal any such ore or mineral, so as to deprive the owner thereof of the same, shall be deemed guilty of grand or petit larceny, according to the value of such ore or mineral.

